

Exhibit B

Fassih, Elizabeth S.

From: Collins, Nick <nick.collins@kirkland.com>
Sent: Tuesday, March 18, 2025 10:15 PM
To: dgrossman@kandgfirm.com; bogle@levinlaw.com; dbuchanan@seegerweiss.com; bwidlanski@kttlaw.com; MPifko@baronbudd.com
Cc: #MDL Insulin SFP JDG Service; Moorman, Ryan; Feld, Jason Adam; Stilley, Tyler; Walling, Kate
Subject: SummaCare, Inc. v. Caremark, LLC et al., 2:25-cv-00465-BRM-RLS

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Counsel,

SummaCare, Inc.'s plaintiff fact sheet and related production was due on March 17, 2025. See ECF No. 315 ¶ 1(a)(iii) (CMO No. 14). To date, we have not received either, and are therefore notifying you of a failure to serve pursuant to CMO No. 14 ¶ 5(b). Please tender an executed and substantially completed PFS and production, or if SummaCare, Inc. in fact served a fact sheet and production on March 17, 2025, please advise us whom you served.

Best,

Nick Collins

KIRKLAND & ELLIS LLP
333 West Wolf Point Plaza, Chicago, IL 60654
T +1 312 862 0049 **M** +1 773 951 7875
F +1 312 862 2200

nick.collins@kirkland.com

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Exhibit C

Peng, Rosalie A.

From: David Grossman <dgrossman@kandgfirm.com>
Sent: Thursday, April 17, 2025 10:56 AM
To: patrick.harvey@morganlewis.com
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano; Dennis Kelly
Subject: Insulin Pricing MDL - second PFS Request for Extension of Time

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In addition, in my initial email to you requesting an extension, I neglected to include SummaCare (Case No. 2:25-cv-00465) and Tyler Management (Case No. 2:25-cv-00515) on the list of Plaintiffs. This was a 'copy paste error' as all my cases were filed at the same time, were all on the same source list and all of them need the extension. As such we also request that SummaCare and Tyler Management be added to the below list and that they also produce their completed PFSs and initial disclosures by May 13, 2025.

We appreciate your courtesies in this regard. Please let us know if there is anything you'd like to discuss.

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Avant Ministries	Case No. 2:25-cv-00485-BRM-RLS
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Colonial Group Inc	Case No. 2:25-cv-00525-BRM-RLS
Contractors Health Trust	Case No. 2:25-cv-00481-BRM-RLS

Diocese of Wheeling-Charleston	Case No. 2:25-cv-00521-BRM-RLS
Guyan International	Case No. 2:25-cv-00515-BRM-RLS
IBEW 375 Electricians Welfare trust Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW 712	Case No. 2:25-cv-00498-BRM-RLS
IBEW Local 163 Health and Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW Local 613 and Contributing Employers Family Health Fund; IBEW Local 613 and Contributing Employers Retiree Health Fund	Case No. 2:25-cv-00519-BRM-RLS
Kaley Group	Case No. 2:25-cv-00521-BRM-RLS
Local 49 Health and Welfare Fund (Roofers)	Case No. 2:25-cv-00525-BRM-RLS
Montage Health	Case No. 2:25-cv-00475-BRM-RLS
NECA LU No 313 IBEW Health & Welfare Plan	Case No. 2:25-cv-00493-BRM-RLS
Port Am	Case No. 2:25-cv-00523-BRM-RLS
ReaderLink Distribution Services LLC	Case No. 2:25-cv-00525-BRM-RLS
Salinas Valley Health for Employees	Case No. 2:25-cv-00490-BRM-RLS
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SummaCare	Case No. 2:25-cv-00465-BRM-RLS
Tyler Management	Case No. 2:25-cv-00515-BRM-RLS

Thank you in advance for your courtesies, time and attention,

David Grossman
631.459.9241 cell

On Wed, Mar 12, 2025, 4:09 PM David Grossman <dgrossman@kandgfirm.com> wrote:

Thank you Mr. Harvey for the courtesies.. We will get them done as best is humanly possible

Regards

David Grossman

From: Harvey, Patrick A. <patrick.harvey@morganlewis.com>

Date: Wednesday, March 12, 2025 at 3:10 PM

To: David Grossman <dgrossman@kandgfirm.com>, ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>

Cc: Dennis Kelly <dkelly@kandgfirm.com>, Manuel Montano <manuel.montano@grossmankelly.com>

Subject: RE: Insulin Pricing MDL - PFS Request for Extension of Time

You don't often get email from patrick.harvey@morganlewis.com. [Learn why this is important](#)

David,

Defendants disagree that the number of Plaintiffs a law firm is representing is a valid rationale for an extension. Nevertheless, as a matter of professional courtesy, Defendants will consent to a 30-day extension for the Plaintiffs below. We of course expect complete responses to the PFS and a thorough document production by the extended deadline.

Patrick A. Harvey

Morgan, Lewis & Bockius LLP

[1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541](http://1111PennsylvaniaAvenueNW.WashingtonDC20004-2541)

Direct: +1.202.373.6284 | Main: +1.202.739.3000 | Fax: +1.202.739.3001

patrick.harvey@morganlewis.com | www.morganlewis.com

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From: David Grossman <dgrossman@kandgfirm.com>

Sent: Monday, March 10, 2025 11:19 AM

To: ext-mdl-insulin-sfp-jdg@kirkland.com

Cc: Dennis Kelly <dkelly@kandgfirm.com>; Manuel Montano <manuel.montano@grossmankelly.com>

Subject: Insulin Pricing MDL - PFS Request for Extension of Time

[EXTERNAL EMAIL]

Dear Counsel:

We are counsel to Plaintiffs in the cases listed below and write pursuant to CMO #14 to request a 60-day extension of time to serve the Plaintiff Fact Sheets and Initial Disclosures. By our calculation, the earliest current due date for any Plaintiff listed below is March 24, 2025, and we would request that the extension be calculated from this date, making the new deadline for all Plaintiffs listed below May 23, 2025.

We have been working diligently to collect and compile information from our clients, but, given the number of Plaintiffs with whom we are working and their scheduling issues, we will require additional time to provide complete responses to the Plaintiff Fact Sheets.

This is our first request for an extension, and we do not anticipate the need for any further extensions beyond May 23, 2025. We also anticipate serving completed Plaintiff Fact Sheets, document productions, and Initial Disclosures for some of the Plaintiffs listed below during this 60-day extension period.

Please confirm at your earliest convenience whether Defendants consent to this requested extension. Otherwise, please let us know if you would like to discuss further. Your anticipated cooperation is greatly appreciated.

Regards,
 David Grossman Esq
 631.459.9241

List of cases for which extension requested:

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Colonial Group Inc	Case No. 2:25-cv-00525-BRM-RLS
Contractors Health Trust	Case No. 2:25-cv-00481-BRM-RLS
Diocese of Wheeling-Charleston	Case No. 2:25-cv-00521-BRM-RLS
Guyan International	Case No. 2:25-cv-00515-BRM-RLS
IBEW 375 Electricians Welfare trust Fund	Case No. 2:25-cv-00503-BRM-RLS
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Kaley Group	Case No. 2:25-cv-00521-BRM-RLS
Local 49 Health and Welfare Fund (Roofers)	Case No. 2:25-cv-00525-BRM-RLS
Montage Health	Case No. 2:25-cv-00475-BRM-RLS
NECA LU No 313 IBEW Health & Welfare Plan	Case No. 2:25-cv-00493-BRM-RLS
Port Am	Case No. 2:25-cv-00523-BRM-RLS
ReaderLink Distribution Services LLC	Case No. 2:25-cv-00525-BRM-RLS
Salinas Valley Health for Employees	Case No. 2:25-cv-00490-BRM-RLS
Salinas Valley (Hospital Purchases)	Case No. 2:25-cv-00490-BRM-RLS
Standard Labs	Case No. 2:25-cv-00523-BRM-RLS
Steubenville Electrical Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS

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Exhibit D

Peng, Rosalie A.

From: Fassih, Elizabeth S. <efassih@jonesday.com>
Sent: Friday, April 18, 2025 6:07 PM
To: David Grossman; patrick.harvey@morganlewis.com
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano; Dennis Kelly <dkelly@kandgfirm.com>
Subject: RE: Insulin Pricing MDL - second PFS Request for Extension of Time

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David,

We are writing separately to address SummaCare. We do not agree to an extension in that case, and instead believe that SummaCare must dismiss its claims. As your client knows, SummaCare entered into an agreement with the named plaintiffs in *MSP* ("MSP Plaintiffs"), assigning to the MSP Plaintiffs the right, title, ownership and interest in all of SummaCare's claims relating to recovery of overpayments for pharmaceuticals. No. 3:18-cv-02211, ECF 91 ¶ A2 (Second Amended Complaint). In 2018, the MSP Plaintiffs brought SummaCare's and other entities' assigned claims in a suit against Lilly, Novo, and Sanofi, alleging that the insulin manufacturers entered into an "insulin pricing scheme" with PBMs. *Id.* ¶¶ 3-30, 53. In fact, SummaCare produced discovery and sat for depositions in that case. In September 2024, the MSP Plaintiffs voluntarily dismissed the entire case, *including* SummaCare's claims, *with prejudice*. ECF 444.

SummaCare therefore has no basis to pursue its claims in this MDL, and must dismiss them. Please inform us promptly whether SummaCare will be dismissing its complaint, or if it will be necessary for Defendants to seek relief from the court.

Best,

Liz Fassih
Associate
JONES DAY® - One Firm Worldwide®
51 Louisiana Avenue NW
Washington, D.C. 20001
Office +1.202.879.3680

From: owner-ext-sanofi_insulinmdl_pfs@groups.jonesday.com <owner-ext-sanofi_insulinmdl_pfs@groups.jonesday.com> **On Behalf Of** David Grossman
Sent: Thursday, April 17, 2025 10:56 AM
To: patrick.harvey@morganlewis.com
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Morgan, Lewis & Bockius LLP

[1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541](http://1111PennsylvaniaAvenueNW.WashingtonDC20004-2541)

Direct: +1.202.373.6284 | Main: +1.202.739.3000 | Fax: +1.202.739.3001

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631.459.9241

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This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

Exhibit E

Peng, Rosalie A.

From: David Grossman <dgrossman@kandgfirm.com>
Sent: Sunday, April 20, 2025 10:28 AM
To: Fassih, Elizabeth S.; patrick.harvey@morganlewis.com
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano; Dennis Kelly
Subject: Re: Insulin Pricing MDL - second PFS Request for Extension of Time

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liz,

Thank you for bringing this to my attention. Of course, no agreement will be ignored. I had no reason to research the issue and was unaware of the prior matter. I will get back to you fully tomorrow after I speak with the client.

Regards,
David

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From: Fassih, Elizabeth S. <efassih@jonesday.com>
Sent: Friday, April 18, 2025 6:06 PM
To: David Grossman <dgrossman@kandgfirm.com>; patrick.harvey@morganlewis.com <patrick.harvey@morganlewis.com>
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>
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SummaCare therefore has no basis to pursue its claims in this MDL, and must dismiss them. Please inform us promptly whether SummaCare will be dismissing its complaint, or if it will be necessary for Defendants to seek relief from the court.

Best,

Liz Fassih
Associate
JONES DAY® - One Firm Worldwide®
51 Louisiana Avenue NW
Washington, D.C. 20001
Office +1.202.879.3680

From: owner-ext-sanofi_insulinmdl_pfs@groups.jonesday.com <owner-ext-sanofi_insulinmdl_pfs@groups.jonesday.com> **On Behalf Of** David Grossman
Sent: Thursday, April 17, 2025 10:56 AM
To: patrick.harvey@morganlewis.com
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>
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IBEW Local 163 Health and Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW Local 613 and Contributing Employers Family Health Fund; IBEW Local 613 and Contributing Employers Retiree Health Fund	Case No. 2:25-cv-00519-BRM-RLS
Kaley Group	Case No. 2:25-cv-00521-BRM-RLS
Local 49 Health and Welfare Fund (Roofers)	Case No. 2:25-cv-00525-BRM-RLS
Montage Health	Case No. 2:25-cv-00475-BRM-RLS
NECA LU No 313 IBEW Health & Welfare Plan	Case No. 2:25-cv-00493-BRM-RLS
Port Am	Case No. 2:25-cv-00523-BRM-RLS
ReaderLink Distribution Services LLC	Case No. 2:25-cv-00525-BRM-RLS
Salinas Valley Health for Employees	Case No. 2:25-cv-00490-BRM-RLS
Salinas Valley (Hospital Purchases)	Case No. 2:25-cv-00490-BRM-RLS
Standard Labs	Case No. 2:25-cv-00523-BRM-RLS
Steubenville Electrical Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS
SummaCare	Case No. 2:25-cv-00465-BRM-RLS
Tyler Management	Case No. 2:25-cv-00515-BRM-RLS

Thank you in advance for your courtesies, time and attention,

David Grossman
631.459.9241 cell

On Wed, Mar 12, 2025, 4:09 PM David Grossman <dgrossman@kandgfirm.com> wrote:

Thank you Mr. Harvey for the courtesies.. We will get them done as best is humanly possible

Regards

David Grossman

From: Harvey, Patrick A. <patrick.harvey@morganlewis.com>

Date: Wednesday, March 12, 2025 at 3:10 PM

To: David Grossman <dgrossman@kandgfirm.com>, ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>

Cc: Dennis Kelly <dkelly@kandgfirm.com>, Manuel Montano <manuel.montano@grossmankelly.com>

Subject: RE: Insulin Pricing MDL - PFS Request for Extension of Time

You don't often get email from patrick.harvey@morganlewis.com. [Learn why this is important](#)

David,

Defendants disagree that the number of Plaintiffs a law firm is representing is a valid rationale for an extension. Nevertheless, as a matter of professional courtesy, Defendants will consent to a 30-day extension for the Plaintiffs below. We of course expect complete responses to the PFS and a thorough document production by the extended deadline.

Patrick A. Harvey

Morgan, Lewis & Bockius LLP

[1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541](http://1111pennsylvaniaavenue.com)

Direct: +1.202.373.6284 | Main: +1.202.739.3000 | Fax: +1.202.739.3001

patrick.harvey@morganlewis.com | www.morganlewis.com

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From: David Grossman <dgrossman@kandgfirm.com>

Sent: Monday, March 10, 2025 11:19 AM

To: ext-mdl-insulin-sfp-jdg@kirkland.com

Cc: Dennis Kelly <dkelly@kandgfirm.com>; Manuel Montano <manuel.montano@grossmankelly.com>

Subject: Insulin Pricing MDL - PFS Request for Extension of Time

[EXTERNAL EMAIL]

Dear Counsel:

We are counsel to Plaintiffs in the cases listed below and write pursuant to CMO #14 to request a 60-day extension of time to serve the Plaintiff Fact Sheets and Initial Disclosures. By our calculation, the earliest current due date for any Plaintiff listed below is March 24, 2025, and we would request that the extension be calculated from this date, making the new deadline for all Plaintiffs listed below May 23, 2025.

We have been working diligently to collect and compile information from our clients, but, given the number of Plaintiffs with whom we are working and their scheduling issues, we will require additional time to provide complete responses to the Plaintiff Fact Sheets.

This is our first request for an extension, and we do not anticipate the need for any further extensions beyond May 23, 2025. We also anticipate serving completed Plaintiff Fact Sheets, document productions, and Initial Disclosures for some of the Plaintiffs listed below during this 60-day extension period.

Please confirm at your earliest convenience whether Defendants consent to this requested extension. Otherwise, please let us know if you would like to discuss further. Your anticipated cooperation is greatly appreciated.

Regards,
David Grossman Esq
631.459.9241

List of cases for which extension requested:

Plaintiff	Case Number
Anchor Manufacturing	Case No. 2:25-cv-00515-BRM-RLS
Avant Ministries	Case No. 2:25-cv-00485-BRM-RLS
Bear Contracting	Case No. 2:25-cv-00521-BRM-RLS
Cleveland Bakers & Teamsters Health and Welfare Fund	Case No. 2:25-cv-00515-BRM-RLS
Colonial Group Inc	Case No. 2:25-cv-00525-BRM-RLS
Contractors Health Trust	Case No. 2:25-cv-00481-BRM-RLS
Diocese of Wheeling-Charleston	Case No. 2:25-cv-00521-BRM-RLS
Guyan International	Case No. 2:25-cv-00515-BRM-RLS
IBEW 375 Electricians Welfare trust Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW 712	Case No. 2:25-cv-00498-BRM-RLS
IBEW Local 163 Health and Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW Local 613 and Contributing Employers Family Health Fund; IBEW Local 613 and Contributing Employers Retiree Health Fund	Case No. 2:25-cv-00519-BRM-RLS
Kaley Group	Case No. 2:25-cv-00521-BRM-RLS
Local 49 Health and Welfare Fund (Roofers)	Case No. 2:25-cv-00525-BRM-RLS
Montage Health	Case No. 2:25-cv-00475-BRM-RLS
NECA LU No 313 IBEW Health & Welfare Plan	Case No. 2:25-cv-00493-BRM-RLS
Port Am	Case No. 2:25-cv-00523-BRM-RLS
ReaderLink Distribution Services LLC	Case No. 2:25-cv-00525-BRM-RLS
Salinas Valley Health for Employees	Case No. 2:25-cv-00490-BRM-RLS
Salinas Valley (Hospital Purchases)	Case No. 2:25-cv-00490-BRM-RLS
Standard Labs	Case No. 2:25-cv-00523-BRM-RLS
Steubenville Electrical Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS

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Exhibit F

Peng, Rosalie A.

From: Fassih, Elizabeth S. <efassih@jonesday.com>
Sent: Friday, April 25, 2025 9:35 AM
To: David Grossman; patrick.harvey@morganlewis.com
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano; Dennis Kelly
Subject: RE: Insulin Pricing MDL - second PFS Request for Extension of Time

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David,

As a signatory to the assignment agreement, your client possesses these documents, so there should not be any issue obtaining the relevant documents from SummaCare. Further, page 107 of the *MSP* complaint does clearly identify and quote from the SummaCare assignment agreement, in relevant part stating:

On 5/12/2017, SummaCare, Inc. entered into an assignment with MSP Recovery, LLC. Said assignment included the following language “[c]lient hereby irrevocably assigns, transfers, conveys, sets over and delivers to MSP Recovery, and any of its successors and assigns, any and all of Client's right, title, ownership and interest in and to all Claims existing on the date hereof, whether based in contract, tort, statutory right, and any and all rights (including, but not limited to, subrogation) to pursue and/or recover monies for Client that Client had, may have had, or has asserted against any party in connection with the Claims and all rights and claims against primary payers and/or third parties that may be liable to client arising from or relating to the Claims, including claims under consumer protection statutes and laws, and all information relating thereto, all of which shall constitute the 'Assigned Claims'” The assignment contract was executed by individuals of majority, of sound mind, and with legal authority to bind the respective parties. The assignment was entered under Ohio law.

We expect that you will promptly communicate with your client about this issue, and let us know if it will be necessary to bring this to the court's attention.

Best,

Liz Fassih
Associate
JONES DAY® - One Firm Worldwide®
51 Louisiana Avenue NW
Washington, D.C. 20001
Office +1.202.879.3680

From: David Grossman <dgrossman@kandgfirm.com>

Sent: Wednesday, April 23, 2025 6:27 PM

To: Fassih, Elizabeth S. <efassih@jonesday.com>; patrick.harvey@morganlewis.com

Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly

<dkelly@kandgfirm.com>

Subject: Re: Insulin Pricing MDL - second PFS Request for Extension of Time

Dear Liz,

Thank you for sharing the MSP complaint and stipulation of discontinuance. In my efforts to investigate the issue you raised, I have been unable to identify or obtain any assignments of interest or claims for the Summa entities.

As you may know, SummaCare is the self-funded health plan for hospital employees and for community members who purchased coverage through it, while SummaHealth operates the hospitals (and their patients).

If you have copies of any assignments of claims for these entities, I would greatly appreciate it if you could forward them to me.

Thank you very much for your assistance.

Best regards,
David
631.459.9241

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From: Fassih, Elizabeth S. <efassih@jonesday.com>

Sent: Tuesday, April 22, 2025 5:36:07 PM

To: David Grossman <dgrossman@kandgfirm.com>; patrick.harvey@morganlewis.com
<patrick.harvey@morganlewis.com>

Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano
<manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>; Flore Felix <ffelix@kandgfirm.com>;
Stephanie DelRicco <sdelriccio@kandgfirm.com>

Subject: RE: Insulin Pricing MDL - second PFS Request for Extension of Time

Hi David,

It looks like that document is from the wrong court—like the MDL, the *MSP* case (2:18-cv-02211) was before Judge Martinotti in the District of New Jersey. For ease of reference, I've attached the Second Amended Complaint and Order of Dismissal from *MSP*, cited in my email below.

Best,

Liz Fassih
Associate
JONES DAY® - One Firm Worldwide®
51 Louisiana Avenue NW
Washington, D.C. 20001
Office +1.202.879.3680

From: David Grossman <dgrossman@kandgfirm.com>

Sent: Tuesday, April 22, 2025 3:35 PM

To: Fassih, Elizabeth S. <efassih@jonesday.com>; patrick.harvey@morganlewis.com

Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly

<dkelly@kandgfir.com>; Flore Felix <ffelix@kandgfir.com>; Stephanie DelRicco <sdelricco@kandgfir.com>

Subject: Re: Insulin Pricing MDL - second PFS Request for Extension of Time

This is coming up as a different plaintiff and not Suma Care? I am trying to verify what you shared but still cannot locate the documents you are relying on. Thank you in advance.

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From: Fassih, Elizabeth S. <efassih@jonesday.com>

Sent: Monday, April 21, 2025 7:39:07 PM

To: David Grossman <dgrossman@kandgfir.com>; patrick.harvey@morganlewis.com
<patrick.harvey@morganlewis.com>

Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfir.com>; Flore Felix <ffelix@kandgfir.com>;

Stephanie DelRicco <sdelricco@kandgfir.com>

Subject: RE: Insulin Pricing MDL - second PFS Request for Extension of Time

Hi David,

Looks like there was a typo: the *MSP* case number is **2:18-cv-02211**. We look forward to hearing from you tomorrow.

Best,

Liz Fassih
Associate
[JONES DAY® - One Firm Worldwide®](#)
51 Louisiana Avenue NW
Washington, D.C. 20001
Office +1.202.879.3680

From: David Grossman <dgrossman@kandgfir.com>

Sent: Monday, April 21, 2025 7:30 PM

To: Fassih, Elizabeth S. <efassih@jonesday.com>; patrick.harvey@morganlewis.com

Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfir.com>; Flore Felix <ffelix@kandgfir.com>; Stephanie DelRicco <sdelricco@kandgfir.com>

Subject: Re: Insulin Pricing MDL - second PFS Request for Extension of Time

Hello again, Elizabeth I had my Paralegal search with the information you provided, and she said the report returned an empty file with no documents.

I want to speak to the client and get back to you, but I wanted to see the documents you were talking about first.

I've asked my office to double check as perhaps something was done wrong.

I'm attaching a copy here of what the search returned and we will follow up again tomorrow.

Thank you
David

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From: David Grossman <dgrossman@kandgfirm.com>
Sent: Sunday, April 20, 2025 10:28:19 AM
To: Fassih, Elizabeth S. <efassih@jonesday.com>; patrick.harvey@morganlewis.com
<patrick.harvey@morganlewis.com>
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano
<manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>
Subject: Re: Insulin Pricing MDL - second PFS Request for Extension of Time

liz,

Thank you for bringing this to my attention. Of course, no agreement will be ignored. I had no reason to research the issue and was unaware of the prior matter. I will get back to you fully tomorrow after I speak with the client.

Regards,
David

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From: Fassih, Elizabeth S. <efassih@jonesday.com>
Sent: Friday, April 18, 2025 6:06 PM
To: David Grossman <dgrossman@kandgfirm.com>; patrick.harvey@morganlewis.com
<patrick.harvey@morganlewis.com>
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano
<manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>
Subject: RE: Insulin Pricing MDL - second PFS Request for Extension of Time

You don't often get email from efassih@jonesday.com. [Learn why this is important](#)

David,

We are writing separately to address SummaCare. We do not agree to an extension in that case, and instead believe that SummaCare must dismiss its claims. As your client knows, SummaCare entered into an agreement with the named plaintiffs in *MSP* (“MSP Plaintiffs”), assigning to the MSP Plaintiffs the right, title, ownership and interest in all of SummaCare’s claims relating to recovery of overpayments for pharmaceuticals. No. 3:18-cv-02211, ECF 91 ¶ A2 (Second Amended Complaint). In 2018, the MSP Plaintiffs brought SummaCare’s and other entities’ assigned claims in a suit against Lilly, Novo, and Sanofi, alleging that the insulin manufacturers entered into an “insulin pricing scheme” with PBMs. *Id.* ¶¶ 3-30, 53. In fact, SummaCare produced discovery and sat for depositions in that case. In September 2024, the MSP Plaintiffs voluntarily dismissed the entire case, *including* SummaCare’s claims, *with prejudice*. ECF 444.

SummaCare therefore has no basis to pursue its claims in this MDL, and must dismiss them. Please inform us promptly whether SummaCare will be dismissing its complaint, or if it will be necessary for Defendants to seek relief from the court.

Best,

Liz Fassih
Associate
JONES DAY® - One Firm Worldwide®
51 Louisiana Avenue NW
Washington, D.C. 20001
Office +1.202.879.3680

From: owner-ext-sanofi_insulinmdl_pfs@groups.jonesday.com <owner-ext-sanofi_insulinmdl_pfs@groups.jonesday.com> **On Behalf Of** David Grossman
Sent: Thursday, April 17, 2025 10:56 AM
To: patrick.harvey@morganlewis.com
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>
Subject: Insulin Pricing MDL - second PFS Request for Extension of Time

Dear Mr. Harvey,

I am writing to follow-up on my request for an extension for the below-referenced cases and to seek a further brief 21-day extension for each of these cases (other than Avant Ministries, Contractors Health Trust, and ReaderLink, which we will be able to produce by the current deadline of April 23, 2025). We've been working diligently to complete the Plaintiff Fact Sheets for each of these Plaintiffs; however, we are facing a challenge in finalizing these documents as a number of these Plaintiffs' respective employees have been traveling due to the religious holidays and on spring break. Given the circumstances, we respectfully request this additional extension until May 13, 2025, to complete Plaintiff Fact Sheets for the below-referenced cases (highlighted in yellow).

In addition, in my initial email to you requesting an extension, I neglected to include SummaCare (Case No. 2:25-cv-00465) and Tyler Management (Case No. 2:25-cv-00515) on the list of Plaintiffs. This was a 'copy paste error' as all my cases were filed at the same time, were all on the same source list and all of them need the extension. As such we also request that SummaCare and Tyler Management be added to the below list and that they also produce their completed PFSs and initial disclosures by May 13, 2025.

We appreciate your courtesies in this regard. Please let us know if there is anything you'd like to discuss.

Plaintiff	Case Number
Anchor Manufacturing	Case No. 2:25-cv-00515-BRM-RLS
Avant Ministries	Case No. 2:25-cv-00485-BRM-RLS
Bear Contracting	Case No. 2:25-cv-00521-BRM-RLS
Cleveland Bakers & Teamsters Health and Welfare Fund	Case No. 2:25-cv-00515-BRM-RLS
Colonial Group Inc	Case No. 2:25-cv-00525-BRM-RLS
Contractors Health Trust	Case No. 2:25-cv-00481-BRM-RLS

Diocese of Wheeling-Charleston	Case No. 2:25-cv-00521-BRM-RLS
Guyan International	Case No. 2:25-cv-00515-BRM-RLS
IBEW 375 Electricians Welfare trust Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW 712	Case No. 2:25-cv-00498-BRM-RLS
IBEW Local 163 Health and Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW Local 613 and Contributing Employers Family Health Fund; IBEW Local 613 and Contributing Employers Retiree Health Fund	Case No. 2:25-cv-00519-BRM-RLS
Kaley Group	Case No. 2:25-cv-00521-BRM-RLS
Local 49 Health and Welfare Fund (Roofers)	Case No. 2:25-cv-00525-BRM-RLS
Montage Health	Case No. 2:25-cv-00475-BRM-RLS
NECA LU No 313 IBEW Health & Welfare Plan	Case No. 2:25-cv-00493-BRM-RLS
Port Am	Case No. 2:25-cv-00523-BRM-RLS
ReaderLink Distribution Services LLC	Case No. 2:25-cv-00525-BRM-RLS
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SummaCare	Case No. 2:25-cv-00465-BRM-RLS
Tyler Management	Case No. 2:25-cv-00515-BRM-RLS

Thank you in advance for your courtesies, time and attention,

David Grossman
631.459.9241 cell

On Wed, Mar 12, 2025, 4:09 PM David Grossman <dgrossman@kandgfirm.com> wrote:

Thank you Mr. Harvey for the courtesies.. We will get them done as best is humanly possible

Regards

David Grossman

From: Harvey, Patrick A. <patrick.harvey@morganlewis.com>

Date: Wednesday, March 12, 2025 at 3:10 PM

To: David Grossman <dgrossman@kandgfirm.com>, ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>

Cc: Dennis Kelly <dkelly@kandgfirm.com>, Manuel Montano <manuel.montano@grossmankelly.com>

Subject: RE: Insulin Pricing MDL - PFS Request for Extension of Time

You don't often get email from patrick.harvey@morganlewis.com. [Learn why this is important](#)

David,

Defendants disagree that the number of Plaintiffs a law firm is representing is a valid rationale for an extension. Nevertheless, as a matter of professional courtesy, Defendants will consent to a 30-day extension for the Plaintiffs below. We of course expect complete responses to the PFS and a thorough document production by the extended deadline.

Patrick A. Harvey

Morgan, Lewis & Bockius LLP

[1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541](http://1111PennsylvaniaAvenueNW.WashingtonDC20004-2541)

Direct: +1.202.373.6284 | Main: +1.202.739.3000 | Fax: +1.202.739.3001

patrick.harvey@morganlewis.com | www.morganlewis.com

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From: David Grossman <dgrossman@kandgfirm.com>

Sent: Monday, March 10, 2025 11:19 AM

To: ext-mdl-insulin-sfp-jdg@kirkland.com

Cc: Dennis Kelly <dkelly@kandgfirm.com>; Manuel Montano <manuel.montano@grossmankelly.com>

Subject: Insulin Pricing MDL - PFS Request for Extension of Time

[EXTERNAL EMAIL]

Dear Counsel:

We are counsel to Plaintiffs in the cases listed below and write pursuant to CMO #14 to request a 60-day extension of time to serve the Plaintiff Fact Sheets and Initial Disclosures. By our calculation, the earliest current due date for any Plaintiff listed below is March 24, 2025, and we would request that the extension be calculated from this date, making the new deadline for all Plaintiffs listed below May 23, 2025.

We have been working diligently to collect and compile information from our clients, but, given the number of Plaintiffs with whom we are working and their scheduling issues, we will require additional time to provide complete responses to the Plaintiff Fact Sheets.

This is our first request for an extension, and we do not anticipate the need for any further extensions beyond May 23, 2025. We also anticipate serving completed Plaintiff Fact Sheets, document productions, and Initial Disclosures for some of the Plaintiffs listed below during this 60-day extension period.

Please confirm at your earliest convenience whether Defendants consent to this requested extension. Otherwise, please let us know if you would like to discuss further. Your anticipated cooperation is greatly appreciated.

Regards,
 David Grossman Esq
 631.459.9241

List of cases for which extension requested:

Plaintiff	Case Number
Anchor Manufacturing	Case No. 2:25-cv-00515-BRM-RLS
Avant Ministries	Case No. 2:25-cv-00485-BRM-RLS
Bear Contracting	Case No. 2:25-cv-00521-BRM-RLS
Cleveland Bakers & Teamsters Health and Welfare Fund	Case No. 2:25-cv-00515-BRM-RLS
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Guyan International	Case No. 2:25-cv-00515-BRM-RLS
IBEW 375 Electricians Welfare trust Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW 712	Case No. 2:25-cv-00498-BRM-RLS
IBEW Local 163 Health and Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW Local 613 and Contributing Employers Family Health Fund; IBEW Local 613 and Contributing Employers Retiree Health Fund	Case No. 2:25-cv-00519-BRM-RLS
Kaley Group	Case No. 2:25-cv-00521-BRM-RLS
Local 49 Health and Welfare Fund (Roofers)	Case No. 2:25-cv-00525-BRM-RLS
Montage Health	Case No. 2:25-cv-00475-BRM-RLS
NECA LU No 313 IBEW Health & Welfare Plan	Case No. 2:25-cv-00493-BRM-RLS
Port Am	Case No. 2:25-cv-00523-BRM-RLS
ReaderLink Distribution Services LLC	Case No. 2:25-cv-00525-BRM-RLS
Salinas Valley Health for Employees	Case No. 2:25-cv-00490-BRM-RLS
Salinas Valley (Hospital Purchases)	Case No. 2:25-cv-00490-BRM-RLS
Standard Labs	Case No. 2:25-cv-00523-BRM-RLS
Steubenville Electrical Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS

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This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

Exhibit G

Peng, Rosalie A.

From: Patterson, Melissa L. <mpatterson@jonesday.com>
Sent: Friday, May 2, 2025 4:30 PM
To: David Grossman; Harvey, Patrick A.
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com
Subject: RE: Multiple PFS items
Attachments: Re: Insulin Pricing MDL - second PFS Request for Extension of Time

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David,

I'm attaching our prior correspondence, including your April 23 email. The only question posed in your email was a request for your client's relevant assignment agreements. While your client, one of the parties to the agreement should possess the relevant documents and information, our April 25 email pointed you to that information in the *MSP* complaint. From your April 25 response, we understood that you were in the process of investigating with your client, and would promptly let Defendants know if we needed to bring this to the court's attention.

We cannot agree to a two-week extension for SummaCare's PFS: as explained previously, SummaCare's claims were dismissed with prejudice in *MSP*. SummaCare's PFS was already due almost seven weeks ago, on March 17, 2025. To avoid needlessly wasting the Court's time and to provide time to confer with your client about its prior dismissal, we will agree to wait until Tuesday, May 13 before raising this with the court. This additional time should be more than sufficient, given that we originally notified you of SummaCare's prior dismissal on April 18. Should SummaCare not dismiss its complaint on or before May 13, we will file a Motion for Order to Show Cause in accordance with Case Management Order #14, raise your client's prior dismissal, and seek all other appropriate relief.

Best,
Melissa

Melissa Lim Patterson
Partner
[JONES DAY® - One Firm Worldwide™](#)
51 Louisiana Ave., N.W.
Washington, D.C. 20001
Office +1.202.879.4271
mpatterson@jonesday.com

From: David Grossman <dgrossman@kandgfirm.com>
Sent: Thursday, May 1, 2025 12:16 AM
To: Harvey, Patrick A. <patrick.harvey@morganlewis.com>
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com
Subject: Multiple PFS items

Dear Mr. Harvey,

I hope this message finds you well.

I am writing to share the Dropbox link containing our Plaintiff Fact Sheets and Initial Disclosures for the following Plaintiffs:

- 1 Anchor;
- 2 Bear Contracting;
- 3 Colonial Group (PFS only; initial disclosures to follow);
- 4 Montage;
- 5 Port Am;
- 6 ReaderLink;
- 7 Salinas Valley (initial disclosures to follow); and
- 8 Standard Labs.

Link:

<https://www.dropbox.com/scl/fo/xsx3iyn1cqjbkusvpm9fi/AlWowmytfHf0T9MFLrRB1jg?rlkey=wylhk4fiqag3rrizfooo2p4hd&st=fjs3hlrg&dl=0>

We are working to finalize several remaining Plaintiff Fact Sheets (Cleveland Bakers, Diocese, NECA 313 IBEW, Tyler Management, Local 49, IBEW 375, and IBEW 712) but require an additional day or two to get them over to you. We appreciate your courtesies on this.

For Steubenville, Guyan, and Kaley Group, we respectfully request one additional week to serve these. We have been working diligently to complete them but have encountered some unanticipated delays with these Plaintiffs.

For SummaCare, we respectfully request a further two-week extension as we continue to investigate the issues raised by Ms. Fassih in her April 18, 2025 email and as we await Ms. Fassih's responses to my follow-up questions posed in my email dated April 23, 2025.

Finally, we intend to dismiss 1978 Retired Construction Workers Fund, which is currently the subject of Defendants' Order to Show Cause, as well as Local 163.

Thank you again for your understanding and cooperation.

David Grossman

631.459.9241

This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

Exhibit H

Peng, Rosalie A.

From: David Grossman <dgrossman@kandgfirm.com>
Sent: Tuesday, May 13, 2025 5:01 PM
To: Fassih, Elizabeth S.
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano; Dennis Kelly
Subject: Summa Care Summa Health: Insulin Pricing MDL - second PFS Request for Extension of Time

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Dear Counsel:

We have investigated your contention that SummaCare assigned to MSP "the right, title, ownership and interest in all of SummaCare's claims relating to recovery of overpayments for pharmaceuticals" and have confirmed that your contention is not accurate. The claims that were sold and assigned to MSP were for *Medicare Advantage claims only*. Commercial claims were not assigned to MSP, nor were SummaCare's claims relating to its own self-funded health plan. Your demand that SummaCare dismiss its complaint in this MDL is therefore without basis.

Please let us know if there is anything you'd like to discuss. If not, we will continue working to complete SummaCare's Plaintiff Fact Sheet and respectfully request two weeks from today to do so. We appreciate your courtesies.

Best regards,
David

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From: David Grossman <dgrossman@kandgfirm.com>
Sent: Friday, April 25, 2025 10:45:33 AM
To: Fassih, Elizabeth S. <efassih@jonesday.com>; patrick.harvey@morganlewis.com
<patrick.harvey@morganlewis.com>
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano
<manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>
Subject: Re: Insulin Pricing MDL - second PFS Request for Extension of Time

I am and thank you for the additional information.

Sent from my Verizon, Samsung Galaxy smartphone

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From: Fassih, Elizabeth S. <efassih@jonesday.com>

Sent: Friday, April 25, 2025 9:35:26 AM

To: David Grossman <dgrossman@kandgfirm.com>; patrick.harvey@morganlewis.com

<patrick.harvey@morganlewis.com>

Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano

<manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>

Subject: RE: Insulin Pricing MDL - second PFS Request for Extension of Time

David,

As a signatory to the assignment agreement, your client possesses these documents, so there should not be any issue obtaining the relevant documents from SummaCare. Further, page 107 of the *MSP* complaint does clearly identify and quote from the SummaCare assignment agreement, in relevant part stating:

On 5/12/2017, SummaCare, Inc. entered into an assignment with MSP Recovery, LLC. Said assignment included the following language “[c]lient hereby irrevocably assigns, transfers, conveys, sets over and delivers to MSP Recovery, and any of its successors and assigns, any and all of Client's right, title, ownership and interest in and to all Claims existing on the date hereof, whether based in contract, tort, statutory right, and any and all rights (including, but not limited to, subrogation) to pursue and/or recover monies for Client that Client had, may have had, or has asserted against any party in connection with the Claims and all rights and claims against primary payers and/or third parties that may be liable to client arising from or relating to the Claims, including claims under consumer protection statutes and laws, and all information relating thereto, all of which shall constitute the 'Assigned Claims'” The assignment contract was executed by individuals of majority, of sound mind, and with legal authority to bind the respective parties. The assignment was entered under Ohio law.

We expect that you will promptly communicate with your client about this issue, and let us know if it will be necessary to bring this to the court's attention.

Best,

Liz Fassih

Associate

[JONES DAY® - One Firm Worldwide®](#)

51 Louisiana Avenue NW

Washington, D.C. 20001

Office +1.202.879.3680

From: David Grossman <dgrossman@kandgfirm.com>

Sent: Wednesday, April 23, 2025 6:27 PM

To: Fassih, Elizabeth S. <efassih@jonesday.com>; patrick.harvey@morganlewis.com

Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly

<dkelly@kandgfirm.com>

Subject: Re: Insulin Pricing MDL - second PFS Request for Extension of Time

Dear Liz,

Thank you for sharing the MSP complaint and stipulation of discontinuance. In my efforts to investigate the issue you raised, I have been unable to identify or obtain any assignments of interest or claims for the Summa entities.

As you may know, SummaCare is the self-funded health plan for hospital employees and for community members who purchased coverage through it, while SummaHealth operates the hospitals (and their patients).

If you have copies of any assignments of claims for these entities, I would greatly appreciate it if you could forward them to me.

Thank you very much for your assistance.

Best regards,
David
631.459.9241

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From: Fassih, Elizabeth S. <efassih@jonesday.com>
Sent: Tuesday, April 22, 2025 5:36:07 PM
To: David Grossman <dgrossman@kandgfirm.com>; patrick.harvey@morganlewis.com
<patrick.harvey@morganlewis.com>
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano
<manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>; Flore Felix <ffelix@kandgfirm.com>;
Stephanie DelRicco <sdelriccio@kandgfirm.com>
Subject: RE: Insulin Pricing MDL - second PFS Request for Extension of Time

Hi David,

It looks like that document is from the wrong court—like the MDL, the *MSP* case (2:18-cv-02211) was before Judge Martinotti in the District of New Jersey. For ease of reference, I've attached the Second Amended Complaint and Order of Dismissal from *MSP*, cited in my email below.

Best,

Liz Fassih
Associate
JONES DAY® - One Firm Worldwide®
51 Louisiana Avenue NW
Washington, D.C. 20001
Office +1.202.879.3680

From: David Grossman <dgrossman@kandgfirm.com>
Sent: Tuesday, April 22, 2025 3:35 PM
To: Fassih, Elizabeth S. <efassih@jonesday.com>; patrick.harvey@morganlewis.com
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly

<dkelly@kandgfirm.com>; Flore Felix <ffelix@kandgfirm.com>; Stephanie DelRicco <sdelriccio@kandgfirm.com>
Subject: Re: Insulin Pricing MDL - second PFS Request for Extension of Time

This is coming up as a different plaintiff and not Suma Care? I am trying to verify what you shared but still cannot locate the documents you are relying on. Thank you in advance.

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From: Fassih, Elizabeth S. <efassih@jonesday.com>
Sent: Monday, April 21, 2025 7:39:07 PM
To: David Grossman <dgrossman@kandgfirm.com>; patrick.harvey@morganlewis.com
<patrick.harvey@morganlewis.com>
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano
<manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>; Flore Felix <ffelix@kandgfirm.com>;
Stephanie DelRicco <sdelriccio@kandgfirm.com>
Subject: RE: Insulin Pricing MDL - second PFS Request for Extension of Time

Hi David,

Looks like there was a typo: the *MSP* case number is 2:18-cv-02211. We look forward to hearing from you tomorrow.

Best,

Liz Fassih
Associate
[JONES DAY® - One Firm Worldwide®](#)
51 Louisiana Avenue NW
Washington, D.C. 20001
Office +1.202.879.3680

From: David Grossman <dgrossman@kandgfirm.com>
Sent: Monday, April 21, 2025 7:30 PM
To: Fassih, Elizabeth S. <efassih@jonesday.com>; patrick.harvey@morganlewis.com
<patrick.harvey@morganlewis.com>
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly
<dkelly@kandgfirm.com>; Flore Felix <ffelix@kandgfirm.com>; Stephanie DelRicco <sdelriccio@kandgfirm.com>
Subject: Re: Insulin Pricing MDL - second PFS Request for Extension of Time

Hello again, Elizabeth I had my Paralegal search with the information you provided, and she said the report returned an empty file with no documents.

I want to speak to the client and get back to you, but I wanted to see the documents you were talking about first.

I've asked my office to double check as perhaps something was done wrong.

I'm attaching a copy here of what the search returned and we will follow up again tomorrow.

Thank you
David

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From: David Grossman <dgrossman@kandgfirm.com>

Sent: Sunday, April 20, 2025 10:28:19 AM

To: Fassih, Elizabeth S. <efassih@jonesday.com>; patrick.harvey@morganlewis.com<patrick.harvey@morganlewis.com>

Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano

<manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>

Subject: Re: Insulin Pricing MDL - second PFS Request for Extension of Time

liz,

Thank you for bringing this to my attention. Of course, no agreement will be ignored. I had no reason to research the issue and was unaware of the prior matter. I will get back to you fully tomorrow after I speak with the client.

Regards,

David

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From: Fassih, Elizabeth S. <efassih@jonesday.com>

Sent: Friday, April 18, 2025 6:06 PM

To: David Grossman <dgrossman@kandgfirm.com>; patrick.harvey@morganlewis.com<patrick.harvey@morganlewis.com>

Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>

Subject: RE: Insulin Pricing MDL - second PFS Request for Extension of Time

You don't often get email from efassih@jonesday.com. [Learn why this is important](#)

David,

We are writing separately to address SummaCare. We do not agree to an extension in that case, and instead believe that SummaCare must dismiss its claims. As your client knows, SummaCare entered into an agreement with the named plaintiffs in *MSP* (“MSP Plaintiffs”), assigning to the MSP Plaintiffs the right, title, ownership and interest in all of SummaCare’s claims relating to recovery of overpayments for pharmaceuticals. No. 3:18-cv-02211, ECF 91 ¶ A2 (Second Amended Complaint). In 2018, the MSP Plaintiffs brought SummaCare’s and other entities’ assigned claims in a suit against Lilly, Novo, and Sanofi, alleging that the insulin manufacturers entered into an “insulin pricing scheme” with PBMs. *Id.* ¶¶ 3-30, 53. In fact, SummaCare produced discovery and sat for depositions in that case. In September 2024, the MSP Plaintiffs voluntarily dismissed the entire case, *including* SummaCare’s claims, *with prejudice*. ECF 444.

SummaCare therefore has no basis to pursue its claims in this MDL, and must dismiss them. Please inform us promptly whether SummaCare will be dismissing its complaint, or if it will be necessary for Defendants to seek relief from the court.

Best,

Liz Fassih
Associate

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51 Louisiana Avenue NW
Washington, D.C. 20001
Office +1.202.879.3680

From: owner-ext-sanofi_insulinmdl_pfs@groups.jonesday.com <owner-ext-sanofi_insulinmdl_pfs@groups.jonesday.com> **On Behalf Of** David Grossman
Sent: Thursday, April 17, 2025 10:56 AM
To: patrick.harvey@morganlewis.com
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>
Subject: Insulin Pricing MDL - second PFS Request for Extension of Time

Dear Mr. Harvey,

I am writing to follow-up on my request for an extension for the below-referenced cases and to seek a further brief 21-day extension for each of these cases (other than Avant Ministries, Contractors Health Trust, and ReaderLink, which we will be able to produce by the current deadline of April 23, 2025). We've been working diligently to complete the Plaintiff Fact Sheets for each of these Plaintiffs; however, we are facing a challenge in finalizing these documents as a number of these Plaintiffs' respective employees have been traveling due to the religious holidays and on spring break. Given the circumstances, we respectfully request this additional extension until May 13, 2025, to complete Plaintiff Fact Sheets for the below-referenced cases (highlighted in yellow).

In addition, in my initial email to you requesting an extension, I neglected to include SummaCare (Case No. 2:25-cv-00465) and Tyler Management (Case No. 2:25-cv-00515) on the list of Plaintiffs. This was a 'copy paste error' as all my cases were filed at the same time, were all on the same source list and all of them need the extension. As such we also request that SummaCare and Tyler Management be added to the below list and that they also produce their completed PFSs and initial disclosures by May 13, 2025.

We appreciate your courtesies in this regard. Please let us know if there is anything you'd like to discuss.

Plaintiff	Case Number
Anchor Manufacturing	Case No. 2:25-cv-00515-BRM-RLS
Avant Ministries	Case No. 2:25-cv-00485-BRM-RLS
Bear Contracting	Case No. 2:25-cv-00521-BRM-RLS
Cleveland Bakers & Teamsters Health and Welfare Fund	Case No. 2:25-cv-00515-BRM-RLS
Colonial Group Inc	Case No. 2:25-cv-00525-BRM-RLS
Contractors Health Trust	Case No. 2:25-cv-00481-BRM-RLS
Diocese of Wheeling-Charleston	Case No. 2:25-cv-00521-BRM-RLS
Guyan International	Case No. 2:25-cv-00515-BRM-RLS

IBEW 375 Electricians Welfare trust Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW 712	Case No. 2:25-cv-00498-BRM-RLS
IBEW Local 163 Health and Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW Local 613 and Contributing Employers Family Health Fund; IBEW Local 613 and Contributing Employers Retiree Health Fund	Case No. 2:25-cv-00519-BRM-RLS
Kaley Group	Case No. 2:25-cv-00521-BRM-RLS
Local 49 Health and Welfare Fund (Roofers)	Case No. 2:25-cv-00525-BRM-RLS
Montage Health	Case No. 2:25-cv-00475-BRM-RLS
NECA LU No 313 IBEW Health & Welfare Plan	Case No. 2:25-cv-00493-BRM-RLS
Port Am	Case No. 2:25-cv-00523-BRM-RLS
ReaderLink Distribution Services LLC	Case No. 2:25-cv-00525-BRM-RLS
Salinas Valley Health for Employees	Case No. 2:25-cv-00490-BRM-RLS
Salinas Valley (Hospital Purchases)	Case No. 2:25-cv-00490-BRM-RLS
Standard Labs	Case No. 2:25-cv-00523-BRM-RLS
Steubenville Electrical Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS
SummaCare	Case No. 2:25-cv-00465-BRM-RLS
Tyler Management	Case No. 2:25-cv-00515-BRM-RLS

Thank you in advance for your courtesies, time and attention,

David Grossman
631.459.9241 cell

On Wed, Mar 12, 2025, 4:09 PM David Grossman <dgrossman@kandgfirm.com> wrote:

Thank you Mr. Harvey for the courtesies.. We will get them done as best is humanly possible

Regards
David Grossman

From: Harvey, Patrick A. <patrick.harvey@morganlewis.com>
Date: Wednesday, March 12, 2025 at 3:10 PM

To: David Grossman <dgrossman@kandgfirm.com>, ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>
Cc: Dennis Kelly <dkelly@kandgfirm.com>, Manuel Montano <manuel.montano@grossmankelly.com>
Subject: RE: Insulin Pricing MDL - PFS Request for Extension of Time

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David,

Defendants disagree that the number of Plaintiffs a law firm is representing is a valid rationale for an extension. Nevertheless, as a matter of professional courtesy, Defendants will consent to a 30-day extension for the Plaintiffs below. We of course expect complete responses to the PFS and a thorough document production by the extended deadline.

Patrick A. Harvey

Morgan, Lewis & Bockius LLP

[1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541](http://1111pennsylvaniaavenue.com)

Direct: +1.202.373.6284 | Main: +1.202.739.3000 | Fax: +1.202.739.3001

patrick.harvey@morganlewis.com | www.morganlewis.com

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From: David Grossman <dgrossman@kandgfirm.com>

Sent: Monday, March 10, 2025 11:19 AM

To: ext-mdl-insulin-sfp-jdg@kirkland.com

Cc: Dennis Kelly <dkelly@kandgfirm.com>; Manuel Montano <manuel.montano@grossmankelly.com>

Subject: Insulin Pricing MDL - PFS Request for Extension of Time

[EXTERNAL EMAIL]

Dear Counsel:

We are counsel to Plaintiffs in the cases listed below and write pursuant to CMO #14 to request a 60-day extension of time to serve the Plaintiff Fact Sheets and Initial Disclosures. By our calculation, the earliest current due date for any Plaintiff listed below is March 24, 2025, and we would request that the extension be calculated from this date, making the new deadline for all Plaintiffs listed below May 23, 2025.

We have been working diligently to collect and compile information from our clients, but, given the number of Plaintiffs with whom we are working and their scheduling issues, we will require additional time to provide complete responses to the Plaintiff Fact Sheets.

This is our first request for an extension, and we do not anticipate the need for any further extensions beyond May 23, 2025. We also anticipate serving completed Plaintiff Fact Sheets, document productions, and Initial Disclosures for some of the Plaintiffs listed below during this 60-day extension period.

Please confirm at your earliest convenience whether Defendants consent to this requested extension. Otherwise, please let us know if you would like to discuss further. Your anticipated cooperation is greatly appreciated.

Regards,

David Grossman Esq
631.459.9241

List of cases for which extension requested:

Plaintiff	Case Number
Anchor Manufacturing	Case No. 2:25-cv-00515-BRM-RLS
Avant Ministries	Case No. 2:25-cv-00485-BRM-RLS
Bear Contracting	Case No. 2:25-cv-00521-BRM-RLS
Cleveland Bakers & Teamsters Health and Welfare Fund	Case No. 2:25-cv-00515-BRM-RLS
Colonial Group Inc	Case No. 2:25-cv-00525-BRM-RLS
Contractors Health Trust	Case No. 2:25-cv-00481-BRM-RLS
Diocese of Wheeling-Charleston	Case No. 2:25-cv-00521-BRM-RLS
Guyan International	Case No. 2:25-cv-00515-BRM-RLS
IBEW 375 Electricians Welfare trust Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW 712	Case No. 2:25-cv-00498-BRM-RLS
IBEW Local 163 Health and Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW Local 613 and Contributing Employers Family Health Fund; IBEW Local 613 and Contributing Employers Retiree Health Fund	Case No. 2:25-cv-00519-BRM-RLS
Kaley Group	Case No. 2:25-cv-00521-BRM-RLS
Local 49 Health and Welfare Fund (Roofers)	Case No. 2:25-cv-00525-BRM-RLS
Montage Health	Case No. 2:25-cv-00475-BRM-RLS
NECA LU No 313 IBEW Health & Welfare Plan	Case No. 2:25-cv-00493-BRM-RLS
Port Am	Case No. 2:25-cv-00523-BRM-RLS
ReaderLink Distribution Services LLC	Case No. 2:25-cv-00525-BRM-RLS
Salinas Valley Health for Employees	Case No. 2:25-cv-00490-BRM-RLS
Salinas Valley (Hospital Purchases)	Case No. 2:25-cv-00490-BRM-RLS
Standard Labs	Case No. 2:25-cv-00523-BRM-RLS
Steubenville Electrical Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS

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This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

Exhibit I

Peng, Rosalie A.

From: David Grossman <dgrossman@kandgfirm.com>
Sent: Thursday, May 15, 2025 8:25 PM
To: Collins, Nick; bbogle@levinlaw.com; dbuchanan@seegerweiss.com; bwidlanski@kttlaw.com; MPifko@baronbudd.com
Cc: #MDL Insulin SFP JDG Service; Moorman, Ryan; Feld, Jason Adam; Stilley, Tyler; Walling, Kate
Subject: 8 matters - Re: Guyan International et al. v. Caremark et al., 2:25-cv-00515-BRM-RLS

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Hello Nick,

I acknowledge your letters on the below files:

1. Diocese
2. Cleveland bakers
3. Guyan
4. Local 49
5. Kaley
6. Tyler; and,
7. Steubanville

They are pretty much ready for filing to my knowledge. I'm going to try and get them all done and submitted tomorrow assuming all clients are available. Unfortunately, I had a personal issue this week in that my brother suddenly died.

I am also mindful of the fact we owe PFSs on Summa Care and Summa Health, but pursuant to my recent correspondence, I was requesting two weeks for those responses. For sure, I will be in touch tomorrow.

Thank you for your understanding and anticipated courtesies.

David

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From: Collins, Nick <nick.collins@kirkland.com>
Sent: Wednesday, May 14, 2025 11:02:11 PM
To: David Grossman <dgrossman@kandgfirm.com>; bbogle@levinlaw.com <bbogle@levinlaw.com>; dbuchanan@seegerweiss.com <dbuchanan@seegerweiss.com>; bwidlanski@kttlaw.com <bwidlanski@kttlaw.com>; MPifko@baronbudd.com <MPifko@baronbudd.com>
Cc: #MDL Insulin SFP JDG Service <Ext-MDL-Insulin-SFP-JDG@kirkland.com>; Moorman, Ryan

<ryan.moorman@kirkland.com>; Feld, Jason Adam <jason.feld@kirkland.com>; Stilley, Tyler

<tyler.stilley@kirkland.com>; Walling, Kate <kate.walling@kirkland.com>

Subject: Guyan International et al. v. Caremark et al., 2:25-cv-00515-BRM-RLS

Counsel,

Tyler Management, Inc.'s plaintiff fact sheet and related production was due on May 7, 2025. See ECF No. 315 ¶ 1(a)(iii) (CMO No. 14). To date, we have not received either, and are therefore notifying you of a failure to serve pursuant to CMO No. 14 ¶ 5(b). Please tender an executed and substantially completed PFS and production, or if Tyler Management, Inc. in fact served a fact sheet and production on May 7, 2025, please advise us whom you served.

Best,

Nick Collins

KIRKLAND & ELLIS LLP

333 West Wolf Point Plaza, Chicago, IL 60654

T +1 312 862 0049 M +1 773 951 7875

F +1 312 862 2200

nick.collins@kirkland.com

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Exhibit J

Peng, Rosalie A.

From: Patterson, Melissa L. <mpatterson@jonesday.com>
Sent: Friday, May 23, 2025 7:21 PM
To: David Grossman; Fassih, Elizabeth S.
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano; Dennis Kelly
Subject: RE: Summa Care Summa Health: Insulin Pricing MDL - second PFS Request for Extension of Time

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David,

Our condolences for your loss. We write to confirm our understanding that SummaCare intends to complete its Plaintiff Fact Sheet by Tuesday, May 27. That being said, we disagree with your conclusions below.

Best,
Melissa

Melissa Lim Patterson
Partner
JONES DAY® - One Firm Worldwide™
51 Louisiana Ave., N.W.
Washington, D.C. 20001
Office +1.202.879.4271
mpatterson@jonesday.com

From: David Grossman <dgrossman@kandgfirm.com>
Sent: Tuesday, May 13, 2025 5:01 PM
To: Fassih, Elizabeth S. <efassih@jonesday.com>
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>
Subject: Summa Care Summa Health: Insulin Pricing MDL - second PFS Request for Extension of Time

Dear Counsel:

We have investigated your contention that SummaCare assigned to MSP "the right, title, ownership and interest in all of SummaCare's claims relating to recovery of overpayments for pharmaceuticals" and have confirmed that your contention is not accurate. The claims that were sold and assigned to MSP were for *Medicare Advantage claims only*. Commercial claims were not assigned to MSP, nor were SummaCare's claims relating to its own self-funded health plan. Your demand that SummaCare dismiss its complaint in this MDL is therefore without basis.

Please let us know if there is anything you'd like to discuss. If not, we will continue working to complete SummaCare's Plaintiff Fact Sheet and respectfully request two weeks from today to do so. We appreciate your courtesies.

Best regards,
David

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From: David Grossman <dgrossman@kandgfirm.com>
Sent: Friday, April 25, 2025 10:45:33 AM
To: Fassih, Elizabeth S. <efassih@jonesday.com>; patrick.harvey@morganlewis.com
<patrick.harvey@morganlewis.com>
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano
<manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>
Subject: Re: Insulin Pricing MDL - second PFS Request for Extension of Time

I am and thank you for the additional information.

Sent from my Verizon, Samsung Galaxy smartphone

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From: Fassih, Elizabeth S. <efassih@jonesday.com>
Sent: Friday, April 25, 2025 9:35:26 AM
To: David Grossman <dgrossman@kandgfirm.com>; patrick.harvey@morganlewis.com
<patrick.harvey@morganlewis.com>
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano
<manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>
Subject: RE: Insulin Pricing MDL - second PFS Request for Extension of Time

David,

As a signatory to the assignment agreement, your client possesses these documents, so there should not be any issue obtaining the relevant documents from SummaCare. Further, page 107 of the *MSP* complaint does clearly identify and quote from the SummaCare assignment agreement, in relevant part stating:

On 5/12/2017, SummaCare, Inc. entered into an assignment with MSP Recovery, LLC. Said assignment included the following language “[c]lient hereby irrevocably assigns, transfers, conveys, sets over and delivers to MSP Recovery, and any of its successors and assigns, any and all of Client's right, title, ownership and interest in and to all Claims existing on the date hereof, whether based in contract, tort, statutory right, and any and all rights (including, but not limited to, subrogation) to pursue and/or recover monies for Client that Client had, may have had, or has asserted against any party in connection with the Claims and all rights and claims against primary payers and/or third parties that may be liable to client arising from or relating to the Claims, including claims under consumer protection statutes and laws, and all information relating thereto, all of which shall constitute the 'Assigned Claims'” The assignment contract was executed by individuals of majority, of sound mind, and with legal authority to bind the respective parties. The assignment was entered under Ohio law.

We expect that you will promptly communicate with your client about this issue, and let us know if it will be necessary to bring this to the court's attention.

Best,

Liz Fassih
Associate
JONES DAY® - One Firm Worldwide®
51 Louisiana Avenue NW
Washington, D.C. 20001
Office +1.202.879.3680

From: David Grossman <dgrossman@kandgfirm.com>
Sent: Wednesday, April 23, 2025 6:27 PM
To: Fassih, Elizabeth S. <efassih@jonesday.com>; patrick.harvey@morganlewis.com
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>
Subject: Re: Insulin Pricing MDL - second PFS Request for Extension of Time

Dear Liz,

Thank you for sharing the MSP complaint and stipulation of discontinuance. In my efforts to investigate the issue you raised, I have been unable to identify or obtain any assignments of interest or claims for the Summa entities.

As you may know, SummaCare is the self-funded health plan for hospital employees and for community members who purchased coverage through it, while SummaHealth operates the hospitals (and their patients).

If you have copies of any assignments of claims for these entities, I would greatly appreciate it if you could forward them to me.

Thank you very much for your assistance.

Best regards,
David
631.459.9241

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From: Fassih, Elizabeth S. <efassih@jonesday.com>
Sent: Tuesday, April 22, 2025 5:36:07 PM
To: David Grossman <dgrossman@kandgfirm.com>; patrick.harvey@morganlewis.com
<patrick.harvey@morganlewis.com>
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>; Flore Felix <ffelix@kandgfirm.com>;
Stephanie DelRicco <sdelriccio@kandgfirm.com>
Subject: RE: Insulin Pricing MDL - second PFS Request for Extension of Time

Hi David,

It looks like that document is from the wrong court—like the MDL, the *MSP* case (2:18-cv-02211) was before Judge Martinotti in the District of New Jersey. For ease of reference, I've attached the Second Amended Complaint and Order of Dismissal from *MSP*, cited in my email below.

Best,

Liz Fassih
Associate
JONES DAY® - One Firm Worldwide®
51 Louisiana Avenue NW
Washington, D.C. 20001
Office +1.202.879.3680

From: David Grossman <dgrossman@kandgfirm.com>

Sent: Tuesday, April 22, 2025 3:35 PM

To: Fassih, Elizabeth S. <efassih@jonesday.com>; patrick.harvey@morganlewis.com

Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>; Flore Felix <ffelix@kandgfirm.com>; Stephanie DelRicco <sdelriccio@kandgfirm.com>

Subject: Re: Insulin Pricing MDL - second PFS Request for Extension of Time

This is coming up as a different plaintiff and not Suma Care? I am trying to verify what you shared but still cannot locate the documents you are relying on. Thank you in advance.

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From: Fassih, Elizabeth S. <efassih@jonesday.com>

Sent: Monday, April 21, 2025 7:39:07 PM

To: David Grossman <dgrossman@kandgfirm.com>; patrick.harvey@morganlewis.com<patrick.harvey@morganlewis.com>

Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>; Flore Felix <ffelix@kandgfirm.com>; Stephanie DelRicco <sdelriccio@kandgfirm.com>

Subject: RE: Insulin Pricing MDL - second PFS Request for Extension of Time

Hi David,

Looks like there was a typo: the *MSP* case number is 2:18-cv-02211. We look forward to hearing from you tomorrow.

Best,

Liz Fassih
Associate
JONES DAY® - One Firm Worldwide®
51 Louisiana Avenue NW
Washington, D.C. 20001
Office +1.202.879.3680

From: David Grossman <dgrossman@kandgfirm.com>

Sent: Monday, April 21, 2025 7:30 PM

To: Fassih, Elizabeth S. <efassih@jonesday.com>; patrick.harvey@morganlewis.com

Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>

Subject: Re: Insulin Pricing MDL - second PFS Request for Extension of Time

Hello again, Elizabeth I had my Paralegal search with the information you provided, and she said the report returned an empty file with no documents.

I want to speak to the client and get back to you, but I wanted to see the documents you were talking about first.

I've asked my office to double check as perhaps something was done wrong.

I'm attaching a copy here of what the search returned and we will follow up again tomorrow.

Thank you

David

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From: David Grossman <dgrossman@kandgfirm.com>

Sent: Sunday, April 20, 2025 10:28:19 AM

To: Fassih, Elizabeth S. <efassih@jonesday.com>; patrick.harvey@morganlewis.com<patrick.harvey@morganlewis.com>

Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>

Subject: Re: Insulin Pricing MDL - second PFS Request for Extension of Time

liz,

Thank you for bringing this to my attention. Of course, no agreement will be ignored. I had no reason to research the issue and was unaware of the prior matter. I will get back to you fully tomorrow after I speak with the client.

Regards,

David

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From: Fassih, Elizabeth S. <efassih@jonesday.com>

Sent: Friday, April 18, 2025 6:06 PM

To: David Grossman <dgrossman@kandgfirm.com>; patrick.harvey@morganlewis.com<patrick.harvey@morganlewis.com>

Cc: ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>

Subject: RE: Insulin Pricing MDL - second PFS Request for Extension of Time

You don't often get email from efassih@jonesday.com. [Learn why this is important](#)

David,

We are writing separately to address SummaCare. We do not agree to an extension in that case, and instead believe that SummaCare must dismiss its claims. As your client knows, SummaCare entered into an agreement with the named plaintiffs in *MSP* (“MSP Plaintiffs”), assigning to the MSP Plaintiffs the right, title, ownership and interest in all of SummaCare’s claims relating to recovery of overpayments for pharmaceuticals. No. 3:18-cv-02211, ECF 91 ¶ A2 (Second Amended Complaint). In 2018, the MSP Plaintiffs brought SummaCare’s and other entities’ assigned claims in a suit against Lilly, Novo, and Sanofi, alleging that the insulin manufacturers entered into an “insulin pricing scheme” with PBMs. *Id.* ¶¶ 3-30, 53. In fact, SummaCare produced discovery and sat for depositions in that case. In September 2024, the MSP Plaintiffs voluntarily dismissed the entire case, *including* SummaCare’s claims, *with prejudice*. ECF 444.

SummaCare therefore has no basis to pursue its claims in this MDL, and must dismiss them. Please inform us promptly whether SummaCare will be dismissing its complaint, or if it will be necessary for Defendants to seek relief from the court.

Best,

Liz Fassih
Associate
JONES DAY® - One Firm Worldwide®
51 Louisiana Avenue NW
Washington, D.C. 20001
Office +1.202.879.3680

From: owner-ext-sanofi_insulinmdl_pfs@groups.jonesday.com <owner-ext-sanofi_insulinmdl_pfs@groups.jonesday.com> **On Behalf Of** David Grossman
Sent: Thursday, April 17, 2025 10:56 AM
To: patrick.harvey@morganlewis.com
Cc: ext-mdl-insulin-sfp-jdg@kirkland.com; Manuel Montano <manuel.montano@grossmankelly.com>; Dennis Kelly <dkelly@kandgfirm.com>
Subject: Insulin Pricing MDL - second PFS Request for Extension of Time

Dear Mr. Harvey,

I am writing to follow-up on my request for an extension for the below-referenced cases and to seek a further brief 21-day extension for each of these cases (other than Avant Ministries, Contractors Health Trust, and ReaderLink, which we will be able to produce by the current deadline of April 23, 2025). We’ve been working diligently to complete the Plaintiff Fact Sheets for each of these Plaintiffs; however, we are facing a challenge in finalizing these documents as a number of these Plaintiffs’ respective employees have been traveling due to the religious holidays and on spring break. Given the circumstances, we respectfully request this additional extension until May 13, 2025, to complete Plaintiff Fact Sheets for the below-referenced cases (highlighted in yellow).

In addition, in my initial email to you requesting an extension, I neglected to include SummaCare (Case No. 2:25-cv-00465) and Tyler Management (Case No. 2:25-cv-00515) on the list of Plaintiffs. This was a ‘copy paste error’ as all my cases were filed at the same time, were all on the same source list and all of them need the extension. As such we also request that SummaCare and Tyler Management be added to the below list and that they also produce their completed PFSs and initial disclosures by May 13, 2025.

We appreciate your courtesies in this regard. Please let us know if there is anything you’d like to discuss.

Plaintiff	Case Number
-----------	-------------

Anchor Manufacturing	Case No. 2:25-cv-00515-BRM-RLS
Avant Ministries	Case No. 2:25-cv-00485-BRM-RLS
Bear Contracting	Case No. 2:25-cv-00521-BRM-RLS
Cleveland Bakers & Teamsters Health and Welfare Fund	Case No. 2:25-cv-00515-BRM-RLS
Colonial Group Inc	Case No. 2:25-cv-00525-BRM-RLS
Contractors Health Trust	Case No. 2:25-cv-00481-BRM-RLS
Diocese of Wheeling-Charleston	Case No. 2:25-cv-00521-BRM-RLS
Guyan International	Case No. 2:25-cv-00515-BRM-RLS
IBEW 375 Electricians Welfare trust Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW 712	Case No. 2:25-cv-00498-BRM-RLS
IBEW Local 163 Health and Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW Local 613 and Contributing Employers Family Health Fund; IBEW Local 613 and Contributing Employers Retiree Health Fund	Case No. 2:25-cv-00519-BRM-RLS
Kaley Group	Case No. 2:25-cv-00521-BRM-RLS
Local 49 Health and Welfare Fund (Roofers)	Case No. 2:25-cv-00525-BRM-RLS
Montage Health	Case No. 2:25-cv-00475-BRM-RLS
NECA LU No 313 IBEW Health & Welfare Plan	Case No. 2:25-cv-00493-BRM-RLS
Port Am	Case No. 2:25-cv-00523-BRM-RLS
ReaderLink Distribution Services LLC	Case No. 2:25-cv-00525-BRM-RLS
Salinas Valley Health for Employees	Case No. 2:25-cv-00490-BRM-RLS
Salinas Valley (Hospital Purchases)	Case No. 2:25-cv-00490-BRM-RLS
Standard Labs	Case No. 2:25-cv-00523-BRM-RLS
Steubenville Electrical Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS
SummaCare	Case No. 2:25-cv-00465-BRM-RLS
Tyler Management	Case No. 2:25-cv-00515-BRM-RLS

Thank you in advance for your courtesies, time and attention,

David Grossman
631.459.9241 cell

On Wed, Mar 12, 2025, 4:09 PM David Grossman <dgrossman@kandgfirm.com> wrote:

Thank you Mr. Harvey for the courtesies.. We will get them done as best is humanly possible

Regards

David Grossman

From: Harvey, Patrick A. <patrick.harvey@morganlewis.com>

Date: Wednesday, March 12, 2025 at 3:10 PM

To: David Grossman <dgrossman@kandgfirm.com>, ext-mdl-insulin-sfp-jdg@kirkland.com <ext-mdl-insulin-sfp-jdg@kirkland.com>

Cc: Dennis Kelly <dkelly@kandgfirm.com>, Manuel Montano <manuel.montano@grossmankelly.com>

Subject: RE: Insulin Pricing MDL - PFS Request for Extension of Time

You don't often get email from patrick.harvey@morganlewis.com. [Learn why this is important](#)

David,

Defendants disagree that the number of Plaintiffs a law firm is representing is a valid rationale for an extension. Nevertheless, as a matter of professional courtesy, Defendants will consent to a 30-day extension for the Plaintiffs below. We of course expect complete responses to the PFS and a thorough document production by the extended deadline.

Patrick A. Harvey

Morgan, Lewis & Bockius LLP

[1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541](http://www.morganlewis.com)

Direct: +1.202.373.6284 | Main: +1.202.739.3000 | Fax: +1.202.739.3001

patrick.harvey@morganlewis.com | www.morganlewis.com

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From: David Grossman <dgrossman@kandgfirm.com>

Sent: Monday, March 10, 2025 11:19 AM

To: ext-mdl-insulin-sfp-jdg@kirkland.com

Cc: Dennis Kelly <dkelly@kandgfirm.com>; Manuel Montano <manuel.montano@grossmankelly.com>

Subject: Insulin Pricing MDL - PFS Request for Extension of Time

[EXTERNAL EMAIL]

Dear Counsel:

We are counsel to Plaintiffs in the cases listed below and write pursuant to CMO #14 to request a 60-day extension of time to serve the Plaintiff Fact Sheets and Initial Disclosures. By our calculation, the earliest

current due date for any Plaintiff listed below is March 24, 2025, and we would request that the extension be calculated from this date, making the new deadline for all Plaintiffs listed below May 23, 2025.

We have been working diligently to collect and compile information from our clients, but, given the number of Plaintiffs with whom we are working and their scheduling issues, we will require additional time to provide complete responses to the Plaintiff Fact Sheets.

This is our first request for an extension, and we do not anticipate the need for any further extensions beyond May 23, 2025. We also anticipate serving completed Plaintiff Fact Sheets, document productions, and Initial Disclosures for some of the Plaintiffs listed below during this 60-day extension period.

Please confirm at your earliest convenience whether Defendants consent to this requested extension. Otherwise, please let us know if you would like to discuss further. Your anticipated cooperation is greatly appreciated.

Regards,
David Grossman Esq
631.459.9241

List of cases for which extension requested:

Plaintiff	Case Number
Anchor Manufacturing	Case No. 2:25-cv-00515-BRM-RLS
Avant Ministries	Case No. 2:25-cv-00485-BRM-RLS
Bear Contracting	Case No. 2:25-cv-00521-BRM-RLS
Cleveland Bakers & Teamsters Health and Welfare Fund	Case No. 2:25-cv-00515-BRM-RLS
Colonial Group Inc	Case No. 2:25-cv-00525-BRM-RLS
Contractors Health Trust	Case No. 2:25-cv-00481-BRM-RLS
Diocese of Wheeling-Charleston	Case No. 2:25-cv-00521-BRM-RLS
Guyan International	Case No. 2:25-cv-00515-BRM-RLS
IBEW 375 Electricians Welfare trust Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW 712	Case No. 2:25-cv-00498-BRM-RLS
IBEW Local 163 Health and Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS
IBEW Local 613 and Contributing Employers Family Health Fund; IBEW Local 613 and Contributing Employers Retiree Health Fund	Case No. 2:25-cv-00519-BRM-RLS
Kaley Group	Case No. 2:25-cv-00521-BRM-RLS
Local 49 Health and Welfare Fund (Roofers)	Case No. 2:25-cv-00525-BRM-RLS
Montage Health	Case No. 2:25-cv-00475-BRM-RLS
NECA LU No 313 IBEW Health & Welfare Plan	Case No. 2:25-cv-00493-BRM-RLS
Port Am	Case No. 2:25-cv-00523-BRM-RLS
ReaderLink Distribution Services LLC	Case No. 2:25-cv-00525-BRM-RLS
Salinas Valley Health for Employees	Case No. 2:25-cv-00490-BRM-RLS
Salinas Valley (Hospital Purchases)	Case No. 2:25-cv-00490-BRM-RLS
Standard Labs	Case No. 2:25-cv-00523-BRM-RLS
Steubenville Electrical Welfare Fund	Case No. 2:25-cv-00503-BRM-RLS

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